

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS E. FLICK, :
Plaintiff, : 1:18-cv-2447
: :
v. : Hon. John E. Jones III
: :
MARK GARMAN, :
Defendant. :

ORDER

January 15, 2019

NOW THEREFORE, upon consideration of Plaintiff's complaint (Doc. 1), accompanied by an Application for Leave to Proceed *In Forma Pauperis* (Doc. 2), it is hereby ORDERED that:

1. Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (Doc. 2) is GRANTED.
2. The Complaint is DEEMED filed.
3. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the Application for Leave to Proceed *In Forma Pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or

(B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

5. The Clerk of Court is DIRECTED to FORWARD a copy of this Order to the Superintendent/Warden at Plaintiff's present place of incarceration.
6. Plaintiff's Complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to CLOSE this case.
8. Any appeal from this Order is deemed frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge